

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Talmadge Evans, Jr., #271480,	)	C/A No. 2:09-1417-JFA
	)	
Plaintiff,	)	
v.	)	<b>ORDER</b>
	)	
Dr. Wadman,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation.<sup>1</sup> [dkt. # 8]. The *pro se* plaintiff, Talmadge Evans Jr., is an inmate at the Perry Correctional Institution (PCI). He brings this action pursuant to 42 U.S.C. § 1983 seeking injunctive relief and damages. He alleges that the defendant was deliberately indifferent to his medical needs.

In a detailed Report and Recommendation, the Magistrate Judge suggests that the complaint is subject to dismissal because the plaintiff fails to allege facts which would suggest that the medical services rendered by the defendant resulted in a violation of the plaintiff's constitutional rights. Because the Magistrate Judge fairly and accurately

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

summarizes the facts and the applicable law, such will not be repeated herein.

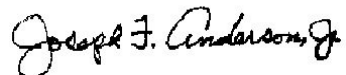
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on June 24, 2009. Plaintiff has not filed any objections.

After carefully reviewing the applicable law, and the record in this case, the court agrees with the Magistrate Judge and incorporates his Report and Recommendation herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

July 24, 2009  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge